

# FARNAN LLP

October 9, 2019

**VIA E-FILE**

The Honorable Richard G. Andrews  
USDC for the District of Delaware  
844 North King Street, Unit 9, Room 6325  
Wilmington, DE 19801

**Re: TQ Delta, LLC v. ZYXEL Comms., C.A. No. 13-cv-02013-RGA**

Dear Judge Andrews:

TQ Delta, LLC (“TQ Delta”) and ZyXEL Communications, Inc. and ZyXEL Communications Corporation (collectively “ZyXEL”) jointly write to clarify regarding the issue of bifurcation between an infringement/invalidity trial (per patent Family) and a later trial for issues relating to damages and FRAND. Specifically, the Court bifurcated the trials for infringement/validity and for damages in the *TQ Delta, LLC v. 2Wire, Inc.* (C.A. No. 13-1835-RGA) action. (D.I. 943, 1043, 1045). In addition, and more recently, the Court bifurcated such issues in the TQ Delta v. ADTRAN matters (*TQ Delta, LLC v. ADTRAN, Inc.* (C.A. No. 14-954-RGA; C.A. No. 15-121-RGA). (D.I. 563.)

Similar to what the Court ordered in the TQ Delta v. ADTRAN matters, the parties respectfully request that they continue to exchange damages and FRAND-related expert reports, but that “[a]ll depositions of experts for damages related reports and all summary judgment and Daubert briefing related to damages will be postponed until after the [currently scheduled liability trials ....]” (*TQ Delta, LLC v. ADTRAN, Inc.* (C.A. No. 14-954-RGA; C.A. No. 15-121-RGA). (D.I. 608, which was “so ordered” on June 24, 2019).

The parties further request a brief status conference with Judge Andrews to discuss scheduling more generally.

Respectfully submitted,

/s/ Michael J. Farnan

Michael J. Farnan

cc: Counsel of Record (via E-File)